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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,498	03/26/2004	A. Fred Hendrix	FOUND-0072	8161

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EXAMINER	
BROUSSARD, COREY M	
ART UNIT	PAPER NUMBER
2835	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/810,498	HENDRIX ET AL.	
	Examiner	Art Unit	
	Corey M. Broussard	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12-21, 23-34, and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Basara et al. (PN 5,216,579). With respect to claim 1, Basara teaches a first housing comprising a first face (face of module 12); a second housing (22) comprising a second face (face of a power supply contained within power plenum 22); the second face indented from the first face (Fig. 6, clearly teaching a face of a power supply in 22 would be indented from a face of a module 12); a plurality of electronic components housed in the first housing (col 5, 7-11); one or more power supplies housed in the second housing (col 5, 66-2); and the electronic components operable to be powered by a cord (54) to the one or more of the plurality of power supplies, the cord running from the indented second face to the first face (see Fig. 6, col 6, 50-59, note that for all the claims the "operable to" language is functional and does not positively claim a structural relationship, see MPEP 2114).

3. With respect to claim 12, Basara teaches a first chassis (12), operable to enclose a plurality of electronic components (col 5, 7-11), comprising: a first face; a second face opposite the first face; a third face, wherein the plane of the third face is perpendicular to the planes of the first face and the second face (the module is shown substantially as a rectangular prism, therefore two opposite faces would be perpendicular to a third); electrical connections, for transferring electrical energy to any enclosed electronic components, disposed through the first face (see Fig. 6, connection for cord 54); a second chassis (22), operable to enclose one or more power supplies, having a fourth face; and wherein a portion of the fourth face is disposed in a plane that intersects the third face (see Fig. 6).

4. With respect to claim 25, Basara teaches a first chassis (12) operable to enclose a plurality of electronic components (col 5, 7-11), the first chassis comprising a first face and a second face opposite the first face; electrical connections (see Fig. 6, connection for cord 54), for transferring electrical energy to any enclosed electronic components, disposed through the first face; a second chassis (22) operable to enclose one or more power supplies (col 6, 50-59), comprising a third face; and wherein the third face and the first face define an indentation, and the second chassis is indented form the first chassis.

5. With respect to claims 2, 13, and 26, Basara teaches wherein the second face or chassis is higher than the first face or chassis (the power supply in the top portion of plenum 22 is higher than the module 12 at the bottom side of the assembly 46).

6. With respect to claims 3, 14, and 27, Basara teaches wherein the second face or chassis is lower than the first face or chassis (the power supply in the bottom portion of plenum 22 is lower than the module 12 at the top side of the assembly 46).

7. With respect to claims 4, 15, and 28, Basara teaches a plurality of power supplies (col 5, 62-2, col 5, 50-59).

8. With respect to claims 5, 16, and 29, Basara teaches wherein at least two of the power supplies are disposed and operable to be disposed in separate sub-housings of the second housing or chassis, separated by a structure disposed within the second housing or chassis (Fig 1 clearly teaches separate power supplies 28 each having its own housing and being separate from each other).

9. With respect to claims 6, 17, and 30, Basara teaches wherein a cover operable to project an outline upon the indentation or second chassis that correspond to the dimension of the first face (see col 3, 50-54, col 6, 18-23, and Fig. 2, 4).

10. With respect to claims 7, 18, and 31, Basara teaches wherein the cover comprises structures that correspond to the structures disposed within the second housing or chassis (the cover is matched to the plenum to give the appearance of a closed housing see Fig. 4 and col 3, 50-54, col 6, 18-23).

11. With respect to claims 8, 19, and 32, Basara teaches wherein the cover is operable to project an outline upon the indentation that corresponds to the dimension of the first face (col 3, 50-54).

12. With respect to claims 9, 20, and 33, Basara teaches wherein the second housing or chassis is operable to be coupled or uncoupled to the first housing (the power supplies can inherently be attached or detached from any structure).

13. With respect to claims 23, 24, 36, and 37, Basara teaches a plurality of first and second chasses (see Fig. 5, 6).

14. With respect to claims 10, 21, and 34, Basara teaches wherein the first face is parallel to the second or third face (see Fig. 5, 6, teaching a generally rectangular design with parallel faces).

15. Claim 38 is rejected under 35 U.S.C. 102(e) as being anticipated by Guyer et al. (PN 6,583,989). Guyer teaches an enclosure for an electronic system comprising: means for enclosing a plurality of electronic components (29), defined by a first face (rear face of 29, see Fig. 4) and a second face (front face of 29) opposite the first face; means for making electrical connections disposed through the first face (61, col 16, 27-30); means for enclosing one or more power supplies (59), defined at least in part by a third face (rear face of 59); and wherein the third face and the first face define an indentation (see Fig. 4).

16. Claim 38 is alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Basara et al. (PN 5,216,579). Basara teaches a means for enclosing a plurality of electronic components (12), defined by a first face and a second face opposite the first face (the module is shown substantially as a rectangular prism, therefore two opposite faces would be perpendicular to a third); means for making electrical connections disposed through the first face (see Fig. 6, connection for cord 54); means for enclosing

one or more power supplies (22), defined at least in part by a third face; and wherein the third face and the first face define an indentation (see Fig. 6).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11, 22, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basara et al. (PN 5,216,579). Basara teaches the device as applied to claim 1, 12, and 25 respectively, but lacks specific teaching of unparallel faces as claimed. A change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Basara recognizes ascetic appeal as a consideration in col 6, lines 18-23. The Applicant's specification does not indicate any unexpected result from unparallel faces. It would have been obvious to a person of ordinary skill in the art to change the shape of the structures of Basara to include oblique or curved faces known in the art for the benefit of a more visually pleasing appearance.

Response to Arguments

18. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new grounds of rejection.

19. Applicant's arguments filed October 19, 2006 with respect to claim 38 have been fully considered but they are not persuasive. With respect to the electrical connection to the power bay 59, Fig. 4 shows the cords 61 connecting to the power bay 59, as described by col 16, 30-33 which clearly teaches the connectors on the rear side of the bay 59. The line indicated by the Applicant as demonstrating the lack of an indentation can be alternatively explained as coincidental alignment of a dividing line between two portions of the first face and the border of the third face. The top most element 29 can be seen to extend beyond the rail 31 where the power bay 59 is shown as substantially ending with the rail. This clearly teaches that the third face of 59 is indented from the first face of the top most element 29.

Conclusion

20. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on M-F 7:30am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571 272 2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER